IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

MFA.No. 864 of 1996()

OPMV.3394/1991 of ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM .
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APPELLANT: PETITIONER

VINAYAKAN, KAVUNGAL PARAMBU,
PEELIKAD, ELAMAKARA P.O.,
COCHIN 26.

BY ADV. SRI.VIJU ABRAHAM

RESPONDENTS: RESPONDENTS
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1. **ANIM NIAZI, KALOORPARAMBIL HOUSE,**
   DESABHIMANI ROAD, KALOOR, KOCHI 17.

2. **K.K.DAMODHARAN, S/O. KRISHNANKUTTY,**
   KALAYATHINKAL VEEDU,
   VENNALA P.O. KOCHI 25.

3. **THE ORIENTAL INSURANCE CO. LTD.,**
   DEEPTHY BUILDING,
   PALLIMUKKU BRANCH, ERNAKULAM

BY ADV. SRI.MATHEWS JACOB (SR.) - R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO.864 OF 1996 (F)

Dated 3rd August, 2007

JUDGMENT

Koshy, J.

Appellant approached the Motor Accident Claims tribunal, Ernakulam, claiming compensation contending that while he was working as a coolie in a provision shop on 29.11.1990 at about 11 a.m. an autorickshaw negligently driven by the 2nd respondent hit him and as a result he had suffered various injuries including diminution of vision of left eye and head injury. Exts.A1 and A2 produced by him are the medical certificates showing that there was diminution of vision of left eye due to injuries. Ext.A3 to A6 are the Medical bills and receipts. Ext.A7 is the certificate issued by the shop owner that he was employed therein on a daily wages of Rs.40/-. Tribunal dismissed the application as no records were filed to show that the accident occurred as alleged. In this appeal, he produced a criminal court judgment as well as wound

certificate issued. But these certificates were not produced before the tribunal. Petitioner also have questioned the amount of compensation awarded. In these circumstances, in the interest of justice, appeal is allowed by way of remand. Registry is directed to send the documents produced by the petitioner along with C.M.P.No.3619/2000. Both sides are allowed to adduce evidence before the tribunal. Since the incident occurred in 1990, tribunal is directed to dispose of the matter as expeditiously as possible. Parties are directed to take notice that the case is posted by the tribunal on 15.10.2007.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO.864 OF 1996 (F)

JUDGMENT

Dated 3rd August, 2007